

## SENATE BILL No. 237

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-5-7; IC 9-24-18-8; IC 9-30-4-9; IC 35-51-7-1.

**Synopsis:** Juveniles and alcohol. Provides that a minor who: (1) uses false identification to purchase alcohol; or (2) is unlawfully present in a bar; commits a Class C infraction. (Under current law, the offense is a Class C misdemeanor.)

**Effective:** July 1, 2014.

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## Young R Michael

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January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 237

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 1. (a) It is a Class C ~~misdemeanor~~ **infraction** for  
4 a minor to ~~knowingly or intentionally~~ make a false statement of the  
5 minor's age or to present or offer false or fraudulent evidence of  
6 majority or identity to a permittee for the purpose of ordering,  
7 purchasing, attempting to purchase, or otherwise procuring or  
8 attempting to procure an alcoholic beverage.  
9 (b) In addition to the penalty under subsection (a), a minor who:  
10 (1) uses a false or altered driver's license or the driver's license of  
11 another person as evidence of majority under this section; or  
12 (2) is ~~convicted of purchasing~~ **found by a court to have**  
13 **committed an infraction relating to the purchase or procuring**  
14 **procurement of** an alcoholic beverage with or without using a  
15 false or altered driver's license;  
16 shall have the minor's driver's license, permit, or driving privileges



suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(c) Upon entering a judgment of conviction for the ~~misdemeanor~~ **infraction** under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).

SECTION 2. IC 7.1-5-7-10, AS AMENDED BY P.L.125-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) It is a Class C ~~misdemeanor~~ **infraction** for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. In addition to other penalties under this subsection, the minor's driver's license, permit, or driving privileges shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

SECTION 3. IC 9-24-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:

- (1) uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages; or
- (2) is ~~convicted of the offenses listed in~~ **found by a court to have violated** IC 7.1-5-7-1(b) or IC 7.1-5-7-10.

(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.

SECTION 4. IC 9-30-4-9, AS AMENDED BY P.L.85-2013, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Upon the filing of a complaint in writing with the bureau against a person holding a current driver's license or permit or applying for a driver's license, permit, or renewal, the bureau may cite the person for a hearing to consider the suspension or revocation of the person's license, permit, or driving privileges upon any of the following charges or allegations:

- (1) That the person has committed an **infraction or** offense for the conviction of which mandatory revocation of license is



provided.

(2) That the person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

(3) That the person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle.

(4) That the person is a reckless or negligent driver of a motor vehicle or has committed a violation of a motor vehicle law.

(b) Whenever the bureau determines a hearing is necessary upon a complaint in writing for any of the reasons set out in this section, the bureau shall immediately notify the licensee or permit holder of the hearing. The notice must state the time, date, and place where the hearing will be held and that the licensee or permit holder has the right to appear and to be heard. At the hearing the bureau or the deputy or agent may issue an order of suspension or revocation of, or decline to suspend or revoke, the driver's license, permit, or driving privileges of the person.

(c) The bureau or the deputy or agent may suspend or revoke the driver's license, permit, or driving privileges of a person and any of the certificates of registration and license plates for a motor vehicle or require the person to operate for a period of one (1) year under restricted driving privileges and make the reports the bureau requires.

(d) The bureau or the deputy or agent may subpoena witnesses, administer oaths, and take testimony. The failure of the defendant to appear at the time and place of the hearing after notice as provided in this section does not prevent the hearing, the taking of testimony, and the determination of the matter.

(e) Testimony or a record of suspension or revocation of a driver's license, a permit, or driving privileges in the custody of the bureau following a hearing is not admissible as evidence:

(1) in any court in any action at law for negligence; or

(2) in any civil action brought against a person so cited by the bureau under this chapter.

(f) The bureau may suspend or revoke the driver's license, permit, or driving privileges of an Indiana resident for a period of not more than one (1) year upon receiving notice of the conviction of the person in another state of an offense that, if committed in Indiana, would be grounds for the suspension or revocation of the license, permit, or driving privileges. The bureau may, upon receiving a record of the conviction in Indiana of a nonresident driver of a motor vehicle of an offense under Indiana motor vehicle laws, forward a certified copy of



the record to the motor vehicle administrator in the state where the person convicted is a resident.

(g) The bureau may not suspend a driver's license, a permit, or driving privileges for more than one (1) year and upon revoking any license or permit shall require that the license or permit be surrendered to the bureau.

(h) A suspension or revocation under this section stands pending any proceeding for review of an action of the bureau taken under this section.

(i) In addition to any other power, the bureau may modify, amend, or cancel any order or determination during the time within which a judicial review could be had. A person aggrieved by the order or act may have a judicial review under sections 10 and 11 of this chapter.

SECTION 5. IC 35-51-7-1, AS AMENDED BY P.L.6-2012, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 7.1:

IC 7.1-3-10-10 (Concerning liquor dealer's permits).

IC 7.1-3-26-15 (Concerning direct wine seller's permits).

IC 7.1-5-1-3 (Concerning public intoxication).

IC 7.1-5-1-6 (Concerning public intoxication).

IC 7.1-5-1-8 (Concerning alcohol).

IC 7.1-5-1-9 (Concerning alcohol).

IC 7.1-5-1-9.5 (Concerning alcohol).

IC 7.1-5-1-12 (Concerning alcohol).

IC 7.1-5-4-1 (Concerning alcohol).

IC 7.1-5-6-1 (Concerning alcohol).

~~IC 7.1-5-7-1 (Concerning alcohol).~~

IC 7.1-5-7-2 (Concerning alcohol).

IC 7.1-5-7-7 (Concerning alcohol).

IC 7.1-5-7-8 (Concerning alcohol).

IC 7.1-5-7-10 (Concerning alcohol).

IC 7.1-5-7-12 (Concerning alcohol).

IC 7.1-5-7-14 (Concerning alcohol).

IC 7.1-5-8-1 (Concerning alcohol and tobacco).

IC 7.1-5-8-3 (Concerning alcohol).

IC 7.1-5-8-5 (Concerning alcohol).

IC 7.1-5-8-6 (Concerning alcohol).

IC 7.1-5-10-10 (Concerning alcohol).

IC 7.1-5-10-21 (Concerning alcohol).

IC 7.1-5-10-23 (Concerning alcohol).

IC 7.1-5-11-5 (Concerning alcohol).



1 IC 7.1-5-11-16 (Concerning alcohol).

